

**MMB**

States District Court

Eastern District Of Pennsylvania

Kenyatta White,

Plaintiff,

V.

City Of Philadelphia;

Scott Amrik;

Robert Scarpello;

Defendants,

Civil Action

No.

42 USCS 1983

Jury Trial Demand

**RECEIVED**

JUN 19 2015

**15 3467**

## Complaint

1. Plaintiff, Kenyatta White, is an adult individual who resides in Philadelphia, and is currently housed at the Philadelphia Industrial Correctional Center (PICC).
2. Defendant, City Of Philadelphia (the City) is a municipality of the Commonwealth Of Pennsylvania and manages, directs, and controls the Philadelphia Police Department, which employs the Defendants, Scott Amrik (Amrik) and Robert Scarpello (Scarpello), who are both police officers for the city of Philadelphia.
3. Defendants, Amrik, and Scarpello, are both police officers for the Philadelphia police Department.
4. On or about August 28, 2014, evening time, plaintiff, had gotten into a car that one of his friends was driving.
5. The reason for Plaintiff getting into his friends car was for him to drive him over to his mother house to pick up money for his court ordered program.
6. While in the car, plaintiff, was texting his mother, not paying attention to the driver or back seat passenger, without knowledge of the drivers intentions, the driver began to shoot out of the car from the drivers side window (Left side of the car), where Defendants, Amrik, and Scarpello witnessed the Act.

7. Scarpello, witnessed the shooting coming from the driver side window and began to give chase.
8. Once the chase had end, plaintiff, lawfully came out of the vehicle with his hands up, as he surrendered to Defendant, Amrik , and placed into a police wagon while in handcuffs.
9. While plaintiff was safely escorted to the police wagon by, Amrik, Defendant, Scarpello, was in the rear of the vehicle, while the other two occupants of the car remained inside.
10. The car in which the driver and backseat passenger were in, had black tinted windows, giving the driver of the car, or backseat passenger, equal opportunity to place the gun used in the crime underneath plaintiffs passenger seat.
11. After Defendants, Amrik, and Scarpello detained the other two occupants of the vehicle, Amrik went back to the vehicle to search for the gun and found it where the plaintiff was sitting underneath the carseat.
12. On or about October 6, 2014, plaintiff, and the other two occupants of the car had a preliminary hearing.
13. There at the preliminary hearing, Defendant, Scarpello, had informed the court that he was the driver of the police vehicle that gave chase to the car and witnessed the gunshots get fired out from the drivers side of the car.
14. Scarpello, further informed the court that plaintiff could not have possibly fired the weapon being as though plaintiff was the front seat passenger.
15. Neither the Assistant District Attorney, or Scarpello, belived that plaintiff had committed any offense and that their was no facts to support proable cause or a prima facie claim.
16. On or about october 10,2014, plaintiffs counsel, Andrew Thomson, Esquire, came up to PICC to visit plaintiff and informed plaintiff through constructive documents, that the Commonwealth will give plaintiff immunity for a signed testimony that the driver was the shooter.
17. This was additional evidence that plaintiff was innocent.
18. Plaintiff was never examined for gun powder residue once he was detained to prove that he did not use or have access to the gun in that crime.
19. Plaintiff avers that Defendants, Amrik, and, Scarpello at the time of the crime, knew as fact, that plaintiff did not have possession of the gun used in the crime which proves the search and seizure of his person in violation of his state and federal Constitutional rights.
20. Plaintiff also Avers that if the search was lawfully done by Defendants, aforesaid, that the investigation thereafter was inadequate and tainted which cost plaintiff to be unlawfully confined for (10) months, which amounted to an unlawful and unreasonable seizure of his liberty in violation of his state and federal Constitutional rights.

21. Defendant, the city, has implemented policies, practices and/ or customs which allows the philadelphia police department to detain and seize people in philadelphia, knowing that such people are innocent of any crime and holds them over for trial with a gamble of those people lives.
22. Defendant, The City, has also implemented policies, practices and/ or customs that allows the phialdelphia police department to not diligently do appropriate investigations to prove people innocent of crimes such as checking for gun powder residue after a shooting, and finger printing weapons when more then one (1) person is being detained for one (1) firearm.
23. Plaintiff Avers that these unconstitutional policies, practices and / or customs were implemented by the city, Amrik, and Scarpello which violated plaintiffs state and federal constitutional rights.
24. Plaintiff now seeks an amount in excess of \$50,000.00 against Defendants, The City, Amrik, and Scarpello, including , but not limited to reasonable court cost and legal fees and any other relief this court deems equitable.

June 15,2015

By:/s/ Kenyatta White  
Kenyatta White  
Plaintiff, Pro se

I hereby verify that the foregoing is true and correct under penalty of perjury.

SIGN: Kenyatta White

Print: Kenyatta white

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Lock&Track  
Inmate Detail  
PID: 1037217

Since 01/01/2015 00:00 But Before 06/16/

2015 00:00

1037217 1418578 PICC WHITE, KENYATTA Current Balance \$ 84.58  
Transaction Details:

Seq No	Date/Time	Type	Status	Running Check \$ Balance	Description
130	01/11/2015 10:47	KDEPOSIT	POSTED	27.00 27.42	DEPOSIT: 506136 Comment: WHITE, KEN
131	01/13/2015 23:24	PURCHASE	POSTED	23.18 4.24	Ref No: 0031616239 Purchase K5158606
132	01/13/2015 23:24	COMM_FEE	POSTED	1.00 3.24	Ref No: K5158606 Order fee K5158606
133	01/19/2015 11:18	REFUND	POSTED	3.00 6.24	Ref No: K5158606 Refund K5158606
134	01/27/2015 15:41	PURCHASE	POSTED	4.85 1.39	Purchase K5168715
135	01/27/2015 15:41	COMM_FEE	POSTED	1.00 0.39	Ref No: K5168715 Order fee K5168715
136	02/08/2015 11:05	KDEPOSIT	POSTED	27.00 27.39	Ref No: K5168715 DEPOSIT: 515196 Comment: WHITE, KEN
137	02/10/2015 18:04	PURCHASE	POSTED	22.70 4.69	Ref No: 0077665120 Purchase K5179931
138	02/10/2015 18:04	COMM_FEE	POSTED	1.00 3.69	Ref No: K5179931 Order fee K5179931
139	02/11/2015 09:04	KDEPOSIT	POSTED	50.00 53.69	Ref No: K5179931 DEPOSIT: 516190 Comment: WHITE, KEN
140	02/17/2015 23:38	PURCHASE	POSTED	51.45 2.24	Ref No: 0078155390 Purchase K5186273
141	02/17/2015 23:38	COMM_FEE	POSTED	1.00 1.24	Ref No: K5186273 Order fee K5186273
142	02/22/2015 14:51	KDEPOSIT	POSTED	97.00 98.24	Ref No: K5186273 DEPOSIT: 519722 Comment: WHITE, KEN

143	02/24/2015	23:37	PURCHASE	POSTED		Ref No: 0065210869 Purchase K5192166
			90.08		8.16	
144	02/24/2015	23:37	COMM_FEE	POSTED		Ref No: K5192166 Order fee K5192166
			1.00		7.16	
145	03/04/2015	05:53	PURCHASE	POSTED		Ref No: K5192166 Purchase K5196999
			5.91		1.25	
146	03/04/2015	05:53	COMM_FEE	POSTED		Ref No: K5196999 Order fee K5196999
			1.00		0.25	
147	03/11/2015	09:24	REFUND	POSTED		Ref No: K5196999 Refund K5192166
				2.94	3.19	
148	03/18/2015	02:06	PURCHASE	POSTED		Purchase K5209670
			1.71		1.48	
149	03/18/2015	02:06	COMM_FEE	POSTED		Ref No: K5209670 Order fee K5209670
			1.00		0.48	
150	03/19/2015	12:46	KDEPOSIT	POSTED		Ref No: K5209670 DEPOSIT: 527923
			57.00		57.48	
YATTA						Comment: WHITE, KEN
151	03/25/2015	02:14	PURCHASE	POSTED		Ref No: 0009242543 Purchase K5215562
			52.26		5.22	
152	03/25/2015	02:14	COMM_FEE	POSTED		Ref No: K5215562 Order fee K5215562
			1.00		4.22	
153	04/08/2015	01:03	PURCHASE	POSTED		Ref No: K5215562 Purchase K5226889
			3.00		1.22	
						Ref No: K5226889

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154	04/08/2015	01:03	COMM_FEE	POSTED		Order fee K5226889
			1.00		0.22	
155	04/16/2015	06:16	PAYROLL	POSTED		Ref No: K5226889 1 APR PICC PICC JEVS
LAB 1ST FLR				3.00	3.22	
156	04/22/2015	03:29	PAYROLL	POSTED		Ref No: 230938 1 APR PICC PICC JEVS
LAB 1ST FLR				4.50	7.72	
157	05/01/2015	05:43	PAYROLL	POSTED		Ref No: 230938 2 APR PICC PICC JEVS
LAB 1ST FLR				7.50	15.22	
						Ref No: 230938



158 04/30/2015 00:12 KDEPOSIT POSTED	DEPOSIT: 541675
50.00 65.22	
YATTA	Comment: WHITE, KEN
159 05/02/2015 04:14 PAYROLL POSTED	Ref No: 0006438483
M SIDE CORRIDORS 13.50 78.72	2 APR PICC PICC MEDIU
160 05/06/2015 02:24 PURCHASE POSTED	Ref No: 231134
76.70 2.02	Purchase K5249305
161 05/06/2015 02:24 COMM_FEE POSTED	Ref No: K5249305
1.00 1.02	Order fee K5249305
162 05/16/2015 06:58 PAYROLL POSTED	Ref No: K5249305
LAB 1ST FLR 1.50 2.52	2 APR PICC PICC JEVS
163 05/16/2015 06:58 PAYROLL POSTED	Ref No: 230938
M SIDE CORRIDORS 22.50 25.02	1 MAY PICC PICC MEDIU
164 05/20/2015 02:48 PURCHASE POSTED	Ref No: 231134
23.00 2.02	Purchase K5260129
165 05/20/2015 02:48 COMM_FEE POSTED	Ref No: K5260129
1.00 1.02	Order fee K5260129
166 06/02/2015 04:26 PAYROLL POSTED	Ref No: K5260129
M SIDE CORRIDORS 24.00 25.02	2 MAY PICC PICC MEDIU
167 06/02/2015 23:37 PURCHASE POSTED	Ref No: 231134
22.07 2.95	Purchase K5270871
168 06/02/2015 23:37 COMM_FEE POSTED	Ref No: K5270871
1.00 1.95	Order fee K5270871
169 06/08/2015 13:08 KDEPOSIT POSTED	Ref No: K5270871
50.00 51.95	DEPOSIT: 554585
YATTA	Comment: WHITE, KEN
170 06/10/2015 01:17 PURCHASE POSTED	Ref No: 0008222556
38.87 13.08	Purchase K5276523
171 06/10/2015 01:17 COMM_FEE POSTED	Ref No: K5276523
1.00 12.08	Order fee K5276523
173 06/15/2015 18:36 KDEPOSIT POSTED	Ref No: K5276523
50.00 84.58	DEPOSIT: 556917
YATTA	Comment: WHITE, KEN
	Ref No: 0001107777
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428.78 490.44	Total

MMB

## UNITED STATES DISTRICT COURT

15

3467

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 8301 State Road, Philadelphia, PA 19136

Address of Defendant:

Place of Accident, Incident or Transaction: Philadelphia

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELEA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights 550
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify) \_\_\_\_\_

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_  
Attorney-at-Law

Attorney I.D.# \_\_\_\_\_

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: JUN 19 2015 \_\_\_\_\_

Deputy Clerk

Attorney I.D.# \_\_\_\_\_

**MMB**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

White

CIVIL ACTION

v.

NO. **15 3467**

City of Philadelphia, et. al.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ☐
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ☐
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ☐
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ☐
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ☐
- (f) Standard Management – Cases that do not fall into any one of the other tracks. **550** ☒

**JUN 19 2015**

Date



Deputy Clerk

Attorney for

Telephone

FAX Number

E-Mail Address